

FEE TRANSMITTAL for FY 2004 <small>Effective 10/01/2004. Patent fees are subject to annual revision.</small>		Complete if Known	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.		Application Number 09/759,627	Filing Date January 12, 2001
TOTAL AMOUNT OF PAYMENT (\$) 0.00		First Named Inventor Ryan J. Nobrega	Examiner Name Fulfs, Richard C.
		Art Unit 3628	Attorney Docket No. 3399P040

METHOD OF PAYMENT (check all that apply)	FEE CALCULATION (continued)																																																																																																																																																																																		
<input type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input type="checkbox"/> Other <input checked="" type="checkbox"/> None <input type="checkbox"/> Deposit Account Deposit Account Number: 02-2666 Deposit Account Name: Blakely, Sokoloff, Taylor & Zafman LLP The Commissioner is authorized to: (check all that apply) <input type="checkbox"/> Charge fee(s) indicated below <input checked="" type="checkbox"/> Credit any overpayments <input checked="" type="checkbox"/> Charge any additional fee(s) or underpayment of fees as required under 37 CFR §§ 1.10, 1.17, 1.19 and 1.20. <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.	3. ADDITIONAL FEES <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2">Large Entity</th> <th colspan="2">Small Entity</th> <th rowspan="2">Fee Description</th> <th rowspan="2">Fee Paid</th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> </tr> </thead> <tbody> <tr> <td>1061</td> <td>130</td> <td>2051</td> <td>60</td> <td>Surcharge - late filing fee or oath</td> <td></td> </tr> <tr> <td>1062</td> <td>60</td> <td>2052</td> <td>25</td> <td>Surcharge - late provisional filing fee or cover sheet</td> <td></td> </tr> <tr> <td>2053</td> <td>130</td> <td>2053</td> <td>130</td> <td>Non-English specification</td> <td></td> </tr> <tr> <td>1812</td> <td>2,320</td> <td>1812</td> <td>2,320</td> <td>For filing a request for ex parte reexamination</td> <td></td> </tr> <tr> <td>1804</td> <td>820*</td> <td>1804</td> <td>820*</td> <td>Requesting publication of SAR prior to Examiner action</td> <td></td> </tr> <tr> <td>1805</td> <td>1,840*</td> <td>1805</td> <td>1,840*</td> <td>Requesting publication of SAR after Examiner action</td> <td></td> </tr> <tr> <td>1251</td> <td>110</td> <td>2251</td> <td>60</td> <td>Extension for reply within first month</td> <td></td> </tr> <tr> <td>1252</td> <td>430</td> <td>2252</td> <td>215</td> <td>Extension for reply within second month</td> <td></td> </tr> <tr> <td>1253</td> <td>680</td> <td>2253</td> <td>400</td> <td>Extension for reply within third month</td> <td></td> </tr> <tr> <td>1254</td> <td>1,530</td> <td>2254</td> <td>765</td> <td>Extension for reply within fourth month</td> <td></td> </tr> <tr> <td>1255</td> <td>2,060</td> <td>2255</td> <td>1,040</td> <td>Extension for reply within fifth month</td> <td></td> </tr> <tr> <td>1404</td> <td>340</td> <td>2401</td> <td>170</td> <td>Notice of Appeal</td> <td></td> </tr> <tr> <td>1402</td> <td>340</td> <td>2402</td> <td>170</td> <td>Filing a brief in support of an appeal</td> <td></td> </tr> <tr> <td>1403</td> <td>300</td> <td>2403</td> <td>150</td> <td>Request for oral hearing</td> <td></td> </tr> <tr> <td>1451</td> <td>1,510</td> <td>2451</td> <td>1,510</td> <td>Petition to institute a public use proceeding</td> <td></td> </tr> <tr> <td>1452</td> <td>110</td> <td>2452</td> <td>65</td> <td>Petition to revise - 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SUBMITTED BY		Complete (if applicable)	
Name (Print/Type) Jordan M. Becker	Registration No. (Attorney/Agent) 39,602	Telephone (408) 720-8300	Date 11/10/04
Signature 			

(Issued on PTO/USP 17 (10-03) as modified by Blakely, Sokoloff, Taylor & Zafman (w/1) C2182004.
 SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

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NOV 10 2004

Attorney Docket No.: 3399P040

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application for:

Ryan J. Nobrega et al.

Serial No.: 09/759,627

Filing Date: January 12, 2001

For: **METHOD AND APPARATUS FOR
PERFORMING A CREDIT BASED
TRANSACTION BETWEEN A USER
OF A WIRELESS
COMMUNICATIONS DEVICE AND A
PROVIDER OF A PRODUCT OR
SERVICE**

Examiner: Fults, Richard C.

Group Art Unit: 3628

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1460
Alexandria, VA 22313-1450

<u>Certificate of Transmission</u>	
I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office on:	
<u>November 10, 2004</u>	
(Date of Transmission)	
<u>Julie Arango</u>	(Printed name)
<u>Julie Arango</u>	(Signature)
<u>11/10/04</u>	(Date)

AMENDMENT AND RESPONSE TO OFFICE ACTION

Dear Sir:

In response to the Office Action mailed on August 11, 2004, please enter the following amendment and consider the remarks below:

present invention is mainly concerned with the scenario in which the consumer is physically present at the merchant's business location (though that does not have to be the case).

The present invention is advantageous in that it can be implemented using existing communications and computing hardware infrastructure and without the necessity to retrain merchants or consumers. This is in contrast with the system of O'Leary, which requires the adoption of significant additional infrastructure and retraining of merchants and consumers.

In summary, it is clear from a real comparison of Applicants' claims with the cited art that the cited art does not come close to suggesting what Applicants claim.

Conclusion

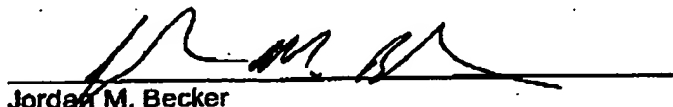
For the foregoing reasons, the present application is believed to be in condition for allowance, and such action is earnestly requested.

If there are any additional charges, please charge Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: 11/11/04


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